IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CRIMINAL APPLICATION NO.71 OF 2006
IN
CRIMINAL WRIT PETITION (PIL) NO.386 OF 2004

Rajendra S. Bidkar — Petitioner
vs.
The State of Maharashtra & ors. — Respondents
And
Maharashtra State Legal Services Authority — Applicant

Mr.R.A.Dada, Senior Advocate for the applicant.

Mr.R.M.Kadam, Advocate General with Mrs.U.V.Kejriwal,
A.P.P. for the respondents 1 to 5.

CORAM : R. M. LODHA &
A.S.BAGGA, JJ.

DATED : 14th June, 2006

P.C.

The Maharashtra State Legal Services Authority, Mumbai ('MSLSA') has made this application praying therein that the direction given in paragraph VI(b) of the order dated 21st June, 2005 be done away with.

2. In the order dated 21st June, 2005 with reference to the guidelines concerning video conferencing in Courts and jails in Maharashtra, interalia, this Court directed that at least two advocates from the MSLSA be kept present in every jail for all remands by video conferencing. Upon certain difficulty being expressed by the MSLSA in implementation of the said directive, by the subsequent order, this Court permitted one advocate

from the MSLSA to be present instead of minimum two advocates.

3. It is stated in the application that the presence of the advocate as directed by the Court at the time of remand by video conferencing in the jail is not necessary as it does not affect the rights of the accused in any manner whatsoever. It is also stated that the implementation of such directive shall result in huge financial burden on the State.

4. We are informed that as on date jails in Mumbai, Thane and Pune only have the facility of video conferencing. With such small number of video conferencing venues presently available, the grievance of the State that they shall have to incur huge expenditure does not appear to be sound. As and when large number of jails in the State of Maharashtra are provided with the facility of video conferencing and if ultimately it is found that by providing at least one advocate to be present in such jail for all remands by video conferencing on a particular date, the State has to incur huge expenditure, we may have re-look at the matter. By that time, the efficacy of this arrangement shall also be known. Presently, the financial burden aspect put forth by the State appears to be bogey.

5. The presence of at least one advocate in the jail at the time of remand by video conferencing may be of immense help to an accused person who needs legal advice from a lawyer instantly; particularly where such accused is not represented by his advocate. For the time being, therefore, we are of the view that the MSLSA must ensure presence of one advocate in every jail for all remands by video conferencing.

. The application is disposed of accordingly.

(R.M. LODHA,J.)

(A.S. BAGGA,J.)